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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,826	02/09/2001	Jerzy Perkitny	MAF 2 0063	8431
7590 05/20/2005			EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Suite 700 1100 Superior Ave. Cleveland, OH 44114-2518			SHAPIRO, JEFFERY A	
			ART UNIT	PAPER NUMBER
			3653	
DATE MAILED: 05/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/780,826	PERKITNY, JERZY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey A. Shapiro	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-26 and 34-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 and 34-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

*[Handwritten signature]*

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-26 and 34-55, 59-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnellan (US 1,749,421) in view of Kinoshita (US 4,059,122) and further in view of Tsuchida (US 6,193,598 B1).

Donnellan discloses a coin hopper (26), a coin slide (6) positioned below said coin hopper, a coin separating and sorting assembly (20 or 22) located between said coin hopper and coin slide, said coin separating and sorting assembly having a ring-shaped separating wheel (20 or 22) having at least one coin aperture (34, 35) or (27, 28), a wheel housing (6 and 24) including sorting apertures (36-40 and 36'-40'), said separating wheel mounted rotatably on said wheel housing (see figure 3, noting directional arrow) and a mechanism for rotating said separating wheel (see figure 1, noting motor (11), belt (15) and gears (16, 17)).

Note that said coin receiving aperture in said separating wheel is larger in radius than is a diameter of said at least one coin receiving aperture. See figure 1. Donnellan also discloses a motor (11) with shaft (10) and gears (13, 16, 17) for driving said separating wheel, a trailing edge with an angled surface (L)(see p.2, lines 50-55).

Donnellan also discloses a first coin support surface (the top surface of housing (6) and a second coin support surface located at a bottom portion of aperture (37) of conveyor plate (21). Note that although this second surface is not on element (6), that it is considered to be functionally equivalent to Applicant's second perpendicular coin support surface (136) shown in Applicant's figure 10a, and which also acts as a coin rolling surface. This bottom portion of aperture (37) of Donnellan performs the same function, supporting coins from the lower edge, and is perpendicular to the top surface of element (6), which supports the coins from underneath.

Note that Donnellan discloses, as described in Claim 59, a coin housing having a first portion in a first plane (see figure 1, noting upper, outer portion of element (6) which mates with hopper portion (24), and a second portion (for example, the support surface on the upper portion of element (6), seen in figure 5) located in a second plane spaced away from said first plane. Note that said wheel housing (6) has a central portion (to accommodate element (18)). See figure 1.

Donnellan does not expressly disclose, but Kinoshita discloses a first toroidal flange (112) extending away from the face of said separating wheel (106).

Donnellan does not expressly disclose, but Tsuchida discloses a second toroidal flange (32) with gear teeth (33), said flange extending away from said face of said separating wheel and in the opposite direction from said first toroidal flange.

Donnellan, Kinoshita and Tsuchida are analogous art because they all concern coin handling.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used the first toroidal flange of Kinoshita on the separating wheel of Donnellan.

The suggestion/motivation would have been to provide more rigidity to the wheel of Donnellan. See Kinoshita, col. 6, lines 4-12,

It further would have been obvious to have used a second toroidal flange as described by Tsuchida, on the separating wheel of Donnellan.

The suggestion/motivation would have been to drive the wheel assembly of Donnellan.

Note also that the driving arrangement of Tsuchida can be considered an art known equivalent of Applicant's driving arrangement. Further, note that Applicant's specification provides no particular reason for using the second geared toroidal flange over other art-known equivalent driving methods.

3. Claims 56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnellan (US 1,749,421) in view of Leja (US 1,346,457) and further in view of Aurelius et al (US 6,165,064). Donnellan discloses the coin separating and sorting assembly described above. Donnellan further discloses coin receptacles (43). Donnellan does not expressly disclose, but Leja discloses a draw (7) with coin receptacles (8-10) in which sorted coins are placed after sorting. Donnellan does not expressly disclose, but Aurelius discloses use of coin tubes to capture coins.

Donnellan, Leja and Aurelius are considered to be analogous art because they

concern coin handling.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used a drawer with coin receptacles in place of the receptacles of Donnellan.

The suggestion/motivation would have been to provide an efficient means of containing said coin receptacles and gaining access to them for coin removal.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used a coin tubes in place of Donnellan's coin receptacles.

The suggestion/motivation would have been to efficiently stack coins for presentation to be wrapped in a coin wrapper or for further processing, as is well-known in the art.

4. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnellan (US 1,749,421) in view of Perkitny (US 5,902,178). Donnellan discloses the coin separating and sorting assembly described above. Donnellan further discloses coin receptacles (43).

Donnellan does not expressly disclose, but Perkitny discloses a plurality of coin tubes (54a-54d and 56a-56d) in communication with said apertures, said tubes being disposed at an angle with respect to a horizontal plane. See Perkitny, abstract and figures 6a and 6b

Donnellan and Perkitny are considered to be analogous art because they concern coin handling.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used coin tubes which tilt at an angle with the horizontal, in place of the receptacles of Donnellan.

The suggestion/motivation would have been to provide an efficient means of containing said coin receptacles and gaining access to them for coin removal.

### ***Response to Arguments***

5. Applicant's arguments filed 2/11/05 have been fully considered but they are not persuasive. Donnellan reads on Applicant's independent claims, such as 14, 19, 34, 47, 59. Others have been rejected above, but for illustration purposes, note Claim 34. Regarding Claim 34, Donnellan has a separating member having at least one coin receiving aperture, a housing on which said separating member is supported, a stationary coin support surface provided on said housing, and a stationary coin rolling surface provided on said housing. See above discussion. Further, note that Applicant's surface (136) is also approximated by the rolling surface seen in figure 1, opposite element (35), and adjacent the hub portion of element (21).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (571)272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Shapiro  
Examiner  
Art Unit 3653

May 16, 2005



KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
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